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WASHINGTON DC 20005-3096

In re Application of
CHERKASOV et al.
Serial No.: 10/578,313
PCT App. No.: PCT/EP04/12556
Int'l Filing Date: 05 November 2004
Priority Date: 05 November 2003
Attorney Docket No.: 076030-0011
For: MACROMOLECULAR NUCLEOTIDE
COMPOUNDS AND METHODS FOR USING
THE SAME

DECISION ON
PETITION UNDER
37 CFR 1.181

This is a decision on applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a) filed in the US Patent and Trademark Office on 21 February 2008. No petition fee is required.

BACKGROUND

On 04 May 2006 applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee.

On 18 January 2007, the Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an English translation of the international application was required. The notification set a TWO (2) MONTH period for response.

On 18 July 2007, applicant filed a response along with an English translation of the part of the international application.

On 09 October 2007, a Notice of Acceptance was erroneously mailed indicating that applicant had met the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) on 18 July 2007.

On 25 January 2008, the Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating, that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 18 January 2007.

On 21 February 2008, applicant filed the present petition requesting that the Office withdraw the holding of abandonment as the applicant had timely replied to the Notification of Missing Requirements.

DISCUSSION

A review of the application file reveals that an English translation of the international application was incomplete. While the description of the international application was provided,

an English translation of Claims 1-68 is not found among the papers filed on 18 July 2007 in response to the Notification of Missing Requirements. The Notification of Abandonment erroneously indicated that applicant had failed to respond to the 905 within the time period set forth therein and is hereby VACATED. Rather, an incomplete response to the Notification of Missing Requirements was submitted.

A Notification of Defective Response (Form PCT/DO/EO/917) will be issued indicating that a complete English translation of the international application, including all claims, is required.

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED**.

The 25 January 2008 Notification of Abandonment (Form PCT/DO/EO/909) is hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Defective Response indicating that a complete English translation of the PCT/EP04/12556 is required.



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